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O.S.A.No.181 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2025

CORAM :

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

O.S.A.No.181 of 2025

Nishath Firdouse
D/o Syed M.D.Shoukathullah .. Appellant

v.

Zainullabuddin
S/o Sadiq .. Respondent

Memorandum of Grounds of Original Side Appeal under Order XXXVI, Rule 1 of the Original Side Rules read with Clause 15 of the Letters Patent, against the order dated 30.04.2025 passed by the learned single Judge in O.P.No.282 of 2023.

For Appellant :: Mr.S.Mohan Raj

For Respondent :: Ms.Poongkhulali.B



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JUDGMENT

(Judgment of the Court was made by G.R.SWAMINATHAN,J.)

Heard both sides.

2. We are of the view that the case for interference has not been made out. On the last occasion, we noted that the respondent/father had not cleared the maintenance arrears. We made it clear to the father that unless the maintenance arrears are paid, he will not be entitled to the custody of the children. We are glad to note that on the very same day, the entire arrears was cleared. He undertakes to continue to honour the maintenance order already passed by the jurisdictional Court.

3. It is complained that even though the father had paid the maintenance arrears, the mother was declining to handover the custody of the children to the father.

4. Today, when the matter was taken up, the mother has agreed before



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us that this evening, the children will be handed over to the father and the father can have custody of the children till 30.05.2025. On the evening of 30.05.2025, the children will be handed over to the mother. The word 'visitation' found in paragraph 15(b) of the impugned order should be read as 'custody'. The original side appeal is disposed of accordingly. Consequently, C.M.P.No.11627 of 2025 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(G.R.S.,J.) (V.L.N.,J.)
22.05.2025

SS

To

The Sub Assistant Registrar (O.S.)
High Court, Madras



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G.R.SWAMINATHAN,J.
AND
V.LAKSHMINARAYANAN,J.

SS

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